

Appl. No. 09/346,069
Amdt. dated July 23, 2003
Reply to Office Action of April 23, 2003

REMARKS

Applicants respectfully request entry of the Amendment and reconsideration of the claims. Claim 15 is unchanged. Claim 18 has been amended. Claims 19-33 have been canceled. Claims 34-56 are newly presented. After entry of the Amendment, claims 15, 18, and 34-59 will be pending.

Claim 18 was amended to correct grammatical errors.

Applicants have added new claims including method claims drawn to using the composition of claim 34. Claims 18 and 34 are asserted to be linking claims under MPEP § 809.03, part (D) where a claim to the product links a process of using the product. The Examiner is reminded of the duty to rejoin and examine linked claims on allowability of the linking claims (MPEP § 809.03).

Applicants submit newly presented claims 34-59 are supported throughout the application, including at lines 4-5 on page 5, lines 16-25 on page 5, lines 2-10 on page 31, table 6 beginning on page 56, lines 20-25 on page 65, and lines 16-27 on page 66, and do not raise any issues of new matter.

Inventorship

With cancellation of claims 19-33, the previously submitted request to correct inventorship is no longer required. Applicants request that the request to correct inventorship under 37 C.F.R. § 1.48(a) be withdrawn.

Objection to Specification

The Examiner objected to the amendment to the specification filed January 15, 2002, under 35 U.S.C. § 132 as introducing new matter into the disclosure. Applicants have now deleted this material from the specification.

In view of the forgoing, Applicants respectfully request the Examiner withdraw the objection to the specification.

Double Patenting Rejection

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Applicants thank the Examiner for permitting postponement of the double patenting rejection until such time that subject matter is indicated as allowable.

Rejection of Claims Under 35 U.S.C. § 101

The Examiner rejected claims 19-21, 23, 25, 27, and 29-32 under 35 U.S.C. § 101. The Examiner asserts the rejected claims are directed to non-statutory subject matter. Claims 19-21, 23, 25, 27, and 29-32 have been canceled. The rejection is therefore moot. Applicants note, however, that by canceling the claims Applicants are not acquiescing to the Examiner's rejection.

In view of the forgoing, Applicants respectfully request withdrawal of the rejection.

Rejection of Claims Under 35 U.S.C. § 112, First Paragraph

The Examiner rejected claims 19-33 under 35 U.S.C. § 112, first paragraph, as lacking written description. Claims 19-33 have been canceled. The rejection is therefore moot.

In view of the forgoing, Applicants respectfully request withdrawal of the rejection.

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Conclusion

In light of the foregoing Amendment and Remarks, Applicants assert the claims are in condition for allowance. Removal of all rejections and early notice of allowable claims is requested.

The Examiner is invited to telephone the undersigned attorney for clarification of any of these Remarks or Amendments, or to otherwise speed prosecution of this case.

Respectfully submitted,

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